

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Respondent,	§	
	§	Criminal Action No. 2:02cr216
v.	§	No. 07cv223
ALFRED BOURGEOIS,	§	
	§	
Petitioner,	§	

Order

Petitioner Alfred Bourgeois was convicted of first degree premeditated murder under 18 U.S.C. § 1111(a) and sentenced to death. On May 14, 2007, he filed a motion for relief under 28 U.S.C. § 2255. On June 4, 2007, he filed a motion for leave to file a memorandum of law in support of his § 2255 motion. The government has not responded to the motion.

Rule 4(b) of the Rules On Motion Attacking Sentence Under Section 2255 directs the judge receiving a § 2255 motion to order the government to answer the § 2255 motion if the motion is not subject to immediate dismissal. Rule 5(a) provides that the government is not required to answer unless ordered to do so. Recognizing that his motion raises numerous complex issues, Bourgeois requests that, if this Court intends to order an answer, it also grant leave to Bourgeois to file a memorandum of law setting forth the points and authorities on which he bases

his claims for relief.

A memorandum of law will assist both this Court and the government to fully and accurately understand the specific grounds on which Bourgeois seeks relief. Accordingly,

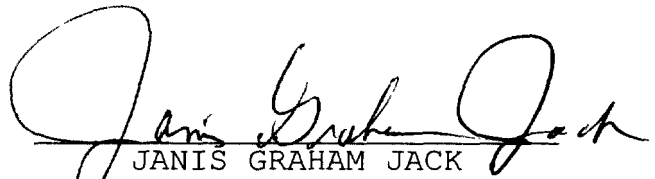
IT IS ORDERED THAT Petitioner's Motion For Opportunity To File Memorandum Of Law In Support Of Section 2255 Motion (Docket Entry 3) is **Granted**;

IT IS FURTHER ORDERED THAT Petitioner may file a memorandum of law in support of his § 2255 motion on or before September 28, 2007;

IT IS FURTHER ORDERED THAT Respondent shall answer the motion on or before January 28, 2008; and

IT IS FURTHER ORDERED THAT Petitioner may reply to the government's response on or before March 28, 2008.

SO ORDERED


JANIS GRAHAM JACK
United States District Judge

Corpus Christi, Texas
July 19th 2007